REMARKS/ARGUMENTS

Claim 3 has been amended to overcome the rejection under 35 U.S.C. 112.

The rejection of claims 1 and 2 under 35 U.S.C. 102(b) as anticipated by the cited Theurer et al patent '538 is respectfully traversed. The claimed method is respectfully submitted neither to be anticipated by, nor to be obvious from, the patent.

In the rejection of claim 1, the Examiner has alleged that Theurer et al's method includes the steps of "measuring the amount of the bulk material accumulating in a pile in the first storage car, and automatically adjusting the storing speed mode of the bottom conveyor." Applicant respectfully submits that nothing in the patent hints at these steps. In arguing for the patentability of these specific steps, applicant does **not** rely on such features as the experience and ability of the operator, as alleged by the Examiner. He merely mentioned this in pointing to the disadvantages of the prior art, and relies on the recitation of specific steps in applicant's claimed method to distinguish over the prior art.

In col. 5, lines 35-37, the patent states "When the car is

filled completely (emphasis added) and uniformly, drive 18 and 28 are switched off," i.e. the movement of the bottom conveyor band is halted. This in no way suggests automatically **adjusting the storing speed mode** of the bottom conveyor, much less of doing so in response to a measured amount of the accumulating bulk material, as claimed, there being neither a **measured** bulk material amount or a conveyor **speed adjustment** in the patented method. Shutting off the conveyor drive when the car is completely and uniformly filled does not suggest any **measurement** of the amount of bulk material, as alleged by the Examiner. A mere look by the operator will show whether the car is completely filled, and no measurement is needed, nor is this implied in the Theurer et al teaching. **Measuring** an amount of bulk material in a car is a positive step quite different from ascertaining that the car is filled.

While the patented box cars are automatically loaded and unloaded by operating the drive of the bottom conveyor, this in no way suggests automatically **adjusting the storing speed mode** of the bottom conveyor, much less of doing so in response to the measured amount of the accumulating bulk material, as claimed, there being neither a **measured** bulk material amount nor a conveyor **speed adjustment** in the patented method.

For the above reasons and those presented on pages 6 and 7 of the previously filed amendment, which are incorporated herein by reference to avoid redundancy, claim 1 is respectfully submitted clearly to be patentable over Theurer et al.

Claim 2 is respectfully submitted to be patentable on its own merit. This claim does not just require emptying the bulk material in the first storage car, as taught by the Theurer et al patent in the drawing figures and description cited by the Examiner but positively states that this is done "while the conveying speed mode of the bottom conveyor band in the adjacent storage car is reduced to the storing speed mode." This avoids the possible problems encountered in the method disclosed by Theurer et al when, for instance, as stated in the patent, the preceding car has been completely filled and its bottom conveyor band has been halted. In this case, there may be no room in the car for any additional bulk material present on the transfer conveyor band. The step recited in claim 2 avoids any such difficulties by so adjusting the conveying speed mode of the bottom conveyor band in the adjacent car in relation to the storing speed mode that an optimal filling of the adjacent storage car is obtained. Nothing like this is even vaguely suggested by Theurer et al.

The rejection of claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Theurer et al '538 in view of Theurer et al '713 is also respectfully traversed.

The Theurer et al' 538 teaching has been analyzed hereinabove. Contrary to the Examiner's holding, sensing the height of the pile by sensor 10 of Theurer et al '713 does **not** suggest, nor is it equivalent to, **measuring the amount** of the **accumulating pile** of bulk material, as disclosed and claimed by applicants. All that sensor 10 does is to record the height of the pile at one point, i.e. the forward end of the car. This says **nothing** about the amount of the accumulating pile or the height of the pile along the length of the car. Frequently, irregular amounts of bulk material are delivered into the car, and it may happen that a relatively small amount of bulk material is present at the rear of the car when the pile has reached the height in front, at sensor 10, which causes the conveyor to be stopped. Merely stopping the conveyor band when a forward end of the pile of bulk material comes into contact with a sensor differs fundamentally from measuring the amount of bulk material accumulating in a pile by measuring the height of the pile along its entire length, rather than at a point. In '713, it is not the height of the **pile** that is sensed but merely a single point of the pile. Such a sensing does **not** measure the amount of the bulk material accumulating in the

pile. Accordingly, the combined teachings held against claim 1 do not make the same obvious.

In view of the above, claims 1 and 2 are respectfully submitted clearly to be patentable over the art of record, and dependent claims 3-5 are believed to be allowable therewith. Favorable reconsideration and allowance of claims 1-5 are accordingly respectfully solicited.

Respectfully submitted,
Josef THEURER

Kurt Kelman, Reg. No. 18,628
Allison C. Collard, Reg. No. 22,532
Edward R. Freedman, Reg. No. 26,048
Frederick J. Dorchak, Reg. No. 29,298
Attorneys for Applicants

COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

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Melissa Konko

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